

CHAPTER XV

Protection & Conservation of the Sedentary Species of the Deep Seabed

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ABSTRACT

The presentation will develop several considerations regarding the living organisms hosted by the minerals found at the deep sea and the fact that, as each mineral resource has particular characteristics and components, the living organisms that live inextricably bound to them are different. If we take a look at the hydrothermal vent ecosystem, we find that the last stages of its food chain—like fish and octopuses—are resources of the high seas due to the fact that although they feed from, among others, vent organisms, they are able to swim and move to shallower and sunnier waters when needed. They share the vent ecosystem, but they are independent of it. The situation at the base of the food chain and that of the secondary producers is very different from the one mentioned above. Actually, they do not seem to be high seas resources. The parallel with the sedentary species, which in zones under national jurisdiction appertain to the continental shelf and not to the exclusive economic zone, is considered, taking into account that these organisms can only live in symbiosis with the minerals of the vent.

Considering that UNCLOS specifically refers to minerals different from polymetallic nodules and to their regulation, we could conclude that the hydrothermal vents and the activities involving them, are contemplated in the Convention. Nevertheless, the legal status of the associated biological communities—that is whether they are free or they belong to the common heritage of mankind—is not specifically considered.

The consequences of this omission are examined, taking into account that the status of common heritage of mankind to the Area and its resources were declared by Resolution 2749 (XXV) of the General Assembly of United Nations and the specific moment when the regime of UNCLOS for the resources of the Area were adopted.

Even if the right of the Authority to protect and preserve the fauna in the Area may help providing some protection to these resources, it is impossible to

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conceive the protection of the “sedentary species of the Area” separately from the activities related to the mineral resources. If the legal status of the former, that is, whether they are free or belong to the common heritage of mankind is not clarified, many problems will arise in the management of both of them.